

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**ROY HOLMES; TINA ALEXANDER;  
PATRICK NORRIS; and MELISSA  
GARNER, Each Individually and on  
Behalf of All Others Similarly Situated**

**PLAINTIFFS**

**v. No. 4:20-cv-191-DPM**

**STETSON COURIER, INC.,  
and JOHN STETSON**

**DEFENDANTS**

**MICHAEL HAMES, JR.; MICHAEL  
E. HAMES; and JAMES KENLEY,  
Each Individually and on Behalf  
of All Others Similarly Situated**

**PLAINTIFFS**

**v. No. 3:21-cv-218-DPM**

**STETSON COURIER, INC.,  
and JOHN STETSON**

**DEFENDANTS**

**ORDER**

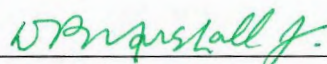
For the reasons stated at the end of the bench trial, and based on the credibility of each witness plus the entire record, the Court rules as follows:

- Stetsons' motion for a mistrial is denied.
- The *Holmes* collective is decertified. All opt-in plaintiffs will be dismissed without prejudice. The statute of limitations is tolled for the opt-in plaintiffs until Judgment issues.

- Michael Hames, Jr. is dismissed without prejudice. Stetsons' motion to strike related exhibits 102, 103, and 167 is granted.
- The Court rules in favor of Roy Holmes, Tina Alexander, Patrick Norris, Melissa Garner, Michael E. Hames, and James Kenley on their individual claims under the FLSA and AMWA against Stetson Courier, Inc. and John Stetson. They are employees and John Stetson was also their employer. The Court also rules in favor of Holmes, Alexander, Norris, and Garner on their retaliation claim against Stetson Courier, Inc. and John Stetson. The Court will not assess liquidated damages on the named plaintiffs' FLSA and AMWA claims.

The Court reserves a specific ruling on damages for each individual pending further briefing from the parties. The couriers' brief on damages is due by 20 January 2023. Stetsons' response is due by 17 February 2023.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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16 December 2022